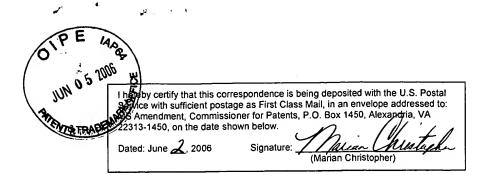
Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/21 (09-04) e Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/678,414 Filing Date TRANSMITTAL October 2, 2003 First Named Inventor **FORM** Lawrence M. KAUVAR Art Unit 1639 (to be used for all correspondence after initial filing) **Examiner Name** T. Wessendorf Attorney Docket Number 3 388512010101 Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance Communication Drawing(s) Fee Transmittal Form to TC Appeal Communication to Board of Licensing-related Papers Fee Attached Appeals and Interferences Appeal Communication to TC x Amendment/Reply (2 pages) Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Extension of Time Request Terminal Disclaimer Return Receipt Postcard **Express Abandonment Request** Request for Refund CD, Number of CD(s) Information Disclosure Statement Certified Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application Customer No. 25225 Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name MORRISON & FOERSTER LLP Signature tell Muran Printed name Kate H. Murashige Reg. No. Date 29.959 June 2, 2006

I hereby certify that this corres	pondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in Amendment, Commissioner for Patents, P.O., Box 1450, Alexandria, VA 22313-1450, on the date	1
shown below.	Signature: Main S. Christopher)	,
Dated: June 2, 2006	Signature: Muslophu (Marian L. Christopher)	



Docket No.: 388512010101

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lawrence M. KAUVAR et al.

Application No.: 10/678,414

Filed: October 2, 2003

For: MULTIHUE LABELS

Confirmation No.: 9986

Art Unit: 1639

Examiner: Teresa D. Wessendorf

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Office Action herein, mailed 3 May 2006, time for response to which was set to expire 3 June 2006. Applicants understand this to be a species election rather than a restriction requirement in view of the notation that, upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species.

Therefore, applicants elect to prosecute the invention represented by "antibody" from Group A, "carboxamide" from Group B, and "epitope/antibody" from Group C.

It is understood that the generic claims cited read on these species.

sd-318945

Application No.: 10/678,414 Docket No.: 388512010101

Applicants wish to note that it is the combination of the size limitation (100 nm) and the requirement that at least three fluorophores be present that confers patentably on these claims.

Examination on the merits is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**Account No. 03-1952 referencing docket No. 388512010101.

Respectfully submitted,

Dated:

June _____, 2006

By:

Kate H. Murashige

Registration No. 29,959

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